

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

CHRISTOPHER D. JONES,

Plaintiff,

v.

Case No. 17-cv-788-pp

BRIAN FOSTER, et al.,

Defendants.

**DECISION AND ORDER GRANTING THE PLAINTIFF'S MOTION
TO PAY HIS INITIAL PARTIAL FILING FEE WITH
FUNDS FROM HIS RELEASE ACCOUNT (DKT. NO. 7)**

Christopher Jones, a Wisconsin state prisoner who is representing himself, filed a complaint under 42 U.S.C. §1983, along with a motion for leave to proceed with his lawsuit without having to prepay the full filing fee. Dkt. Nos. 1, 2. On June 5, 2017, the court entered an order requiring the plaintiff to pay \$18.56 as an initial partial filing fee. Dkt. No. 5. On June 14, 2017, the plaintiff filed a motion asking the court to allow him to pay that fee with funds in his release account. Dkt. No. 7.

The Prison Litigation Reform Act (PLRA) requires the court to collect filing fees from a “prisoner’s account.” 28 U.S.C. §1915(b). The term “prisoner’s account” encompasses both a prisoner’s release account and general account. Spence v. McCaughtry, 46 F. Supp. 2d 861, 862 (E.D. Wis. 1999). However, “given the purpose of the release account to provide funds to the prisoner upon his or her release from incarceration, the Court does not deem it prudent to

routinely focus on the release account as the initial source of funds to satisfy the filing fee payment requirements of the PLRA.” Smith v. Huibregtse, 151 F. Supp. 2d 1040, 1042 (E.D. Wis. 2001). Nevertheless, upon request, a court may allow a plaintiff to pay a filing fee, or a portion thereof, out of his release account. Doty v. Doyle, 182 F. Supp. 2d 750, 752 (E.D. Wis. 2002).

The plaintiff’s desire to pay his initial partial filing fee with funds in his release account is clear, and a review of his trust account statement reveals that he has adequate funds in his release account to cover the fee. Accordingly, the court will grant the plaintiff’s motion.

The court **ORDERS** that the plaintiff’s motion to pay his initial partial filing fee with funds in his release account (Dkt. No. 7) is **GRANTED**.

The court further **ORDERS** that the warden of Waupun Correctional Institution shall withdraw \$18.56 from the plaintiff’s release account and forward that sum to the clerk of court as payment for the initial partial filing fee in this action. The warden shall make such payment by **July 14, 2017**.

The court will mail a copy of this order to the warden of Waupun Correctional Institution.

Dated in Milwaukee, Wisconsin this 20th day of June, 2017.

BY THE COURT:



HON. PAMELA PEPPER
United States District Judge